

EXHIBIT A

UNITED STATES DISTRICT COURT

for the

In re Ex Parte Application of Diligence
Global Business Intelligence SA, pursuant
to 28 U.S.C. § 1782 to Conduct Discovery
for Use in Foreign Proceedings

Southern District of New York

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Michael Holtzman

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Mr. Holtzman and/or his companies', Bellweather Strategies and SECNewGate, relationship and dealings with Cornerstone Global Associates LTD and Ghanem Mohammed Zaki Nuseibeh and/or any of their respective affiliates.

Place: Baker Hostetler LLP, 45 Rockefeller Plaza, New York,
New York

Date and Time:

05/26/2021 10:00 am

The deposition will be recorded by this method: Stenographic and Video Recording

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Exhibit A attached.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/19/2021

CLERK OF COURT

OR

s/ Gonzalo S. Zeballos

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Diligence Global Business Intelligence SA, who issues or requests this subpoena, are:

Gonzalo S. Zeballos, Esq., Baker Hostetler LLP, 45 Rockefeller Plaza, New York, New York, 212-589-4200,
gzeballos@bakerlaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

 _____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____
 _____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

EXHIBIT A

DEFINITIONS

1. The word “document(s)” includes all “writings,” “recordings,” and “photographs,” as those terms are defined in Rule 1001 of the Federal Rules of Evidence and should be construed in the broadest sense permissible. Accordingly, “document(s)” includes, but is not limited to, all written, printed, recorded or graphic matter, photographic matter, sound reproductions, or other retrievable data (whether recorded, taped, or coded electrostatically, electromagnetically, optically or otherwise on hard drive, diskette, compact disk, primary or backup tape, audio tape or video tape) from whatever source derived and however and by whomever prepared, produced, reproduced, disseminated or made. Without limiting the generality of the foregoing, “document(s)” includes the original and any non-identical copy and also every draft and proposed draft of all correspondence, internal memoranda, notes of meetings, telegrams, telexes, facsimiles, electronic mail, reports, transcripts or notes of telephone conversations, diaries, notebooks, minutes, notes, tests, reports, analyses, studies, testimony, speeches, worksheets, maps, charts, diagrams, computer printouts, and any other writings or documentary materials of any nature whatsoever, whether or not divulged to other parties, together with any attachments thereto and enclosures therewith. In addition, the word “document(s)” encompasses electronically stored information (“ESI”) including but not limited to “email,” “voice mail,” “text messages,” digital images and graphics, digital or analog audiotapes and files, and digital or analog videotapes and files.

2. The word “person(s)” includes not only natural persons, but also firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, trusts, groups, and organizations; federal, state, or local governments

or government agencies, offices, bureaus, departments, or entities; other legal, business or government entities; and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof or any combination thereof.

3. As used herein, any reference to any “person” includes the present and former officers, executives, partners, directors, trustees, employees, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the person and also its subsidiaries, affiliates, divisions, and predecessors and successors in interest.

4. The term “you” and “your” refers to Mike Holtzman.

5. The term “Cornerstone” refers to Cornerstone Global Associates LTD, any parent or subsidiary entity, any other entity owned (in whole or part) by or controlled by Cornerstone and/or its Affiliated Persons, and any predecessor or successor thereof.

6. The term “Nuseibeh” refers to Ghanem Mohammed Zaki Nuseibeh, the director and secretary of Cornerstone.

7. The term “SECNewGate S.p.A” refers to SECNewGate, any parent or subsidiary entity, any other entity owned (in whole or part) by or controlled by SECNewGate and/or its Affiliated Persons, and any predecessor or successor thereof.

8. The term “Bellwether Strategies” refers to Bellwether Strategies, any parent or subsidiary entity, any other entity owned (in whole or part) by or controlled by Bellwether Strategies and/or its Affiliated Persons, and any predecessor or successor thereof.

9. The term “BLJ Worldwide” refers to BLJ Worldwide, Mr. Holtzman’s former employer, and any parent or subsidiary entity, any other entity owned (in whole or part) by or controlled by BLJ Worldwide and/or its Affiliated Persons, and any predecessor or successor thereof.

10. The term “Affiliated Person” includes all employees, consultants, agents, representatives, entities, subsidiaries, or parents.

INSTRUCTIONS

1. Any document produced in response to this subpoena should be produced in full, complete, and unedited form, together with all drafts and non-identical copies of each, and in reasonably accessible electronic form, if practicable.

2. Whenever the information requested is not readily available in the form requested but is available, or can more easily be made available in a different form, you may make the information available in such different form, provided that the information requested is readily intelligible in such different form made available by you.

3. Whenever a Request calls for ‘documents sufficient to’ provide certain information, you may at your option respond, in lieu of producing documents, by a written statement of that information verified by you or your representative.

4. Each Request should be construed so as to make the Request inclusive rather than exclusive. Thus, for example, in addition to the rules of construction set forth in Local Civil Rule 26.3(d), words importing the masculine gender may be applied to females and vice versa.

5. If you object to a Request, state the legal and factual basis for the objection, describe the information or documents that you propose to withhold pursuant to that objection, and fully answer all portions of the Request not objected to.

6. If you refuse to respond to any Request, or any subpart thereof, on the ground of privilege or attorney work product doctrine, provide the information specified in Local Civil Rule 26.2 in writing at the time of your response to these Requests.

7. In accordance with Federal Rule of Civil Procedure 26(e), these Requests are to be deemed continuing in nature, so as to require further and supplemental responses as you receive or identify additional information or documents between the time of your response and the time of trial in this case. If at any time you obtain information or knowledge that the response to any of these Requests was not true and correct or was incomplete when given, you shall serve true and correct responses to those Requests within 10 days following the date upon which such information or knowledge was first obtained, but not later than the time of trial in this case.

DOCUMENT REQUESTS

You are hereby requested to produce the following:

1. All documents and communications concerning Mr. Holtzman's relationship with Cornerstone that relate in any way to Qatar's 2022 World Cup Bid.
2. All documents and communications concerning Bellwether Strategies' relationship with Cornerstone that relate in any way to Qatar's 2022 World Cup Bid.
3. All documents and communications concerning SECNewGate's relationship with Cornerstone that relate in any way to Qatar's 2022 World Cup Bid.
4. All documents and communications concerning BLJ Worldwide's relationship with Cornerstone that relate in any way to Qatar's 2022 World Cup Bid.
5. All documents and communications concerning Mr. Holtzman's relationship with Nuseibeh that relate in any way to Qatar's 2022 World Cup Bid.
6. All documents and communications concerning Bellwether Strategies' relationship with Nuseibeh that relate in any way to Qatar's 2022 World Cup Bid.
7. All documents and communications concerning SECNewGate's relationship with Nuseibeh that relate in any way to Qatar's 2022 World Cup Bid.
8. All documents and communications concerning BLJ Worldwide's relationship with Nuseibeh that relate in any way to Qatar's 2022 World Cup Bid.
9. All documents and communications concerning Mr. Holtzman's relationship with Paul Tweed that relate in any way to Qatar's 2022 World Cup Bid.
10. All documents and communications concerning Bellwether Strategies' relationship with Paul Tweed that relate in any way to Qatar's 2022 World Cup Bid.

11. All documents and communications concerning SECNewGate's relationship with Paul Tweed that relate in any way to Qatar's 2022 World Cup Bid.
12. All documents and communications concerning BLJ Worldwide's relationship with Paul Tweed that relate in any way to Qatar's 2022 World Cup Bid.
13. All documents and communications concerning Mr. Holtzman's contacts and communications with Nuseibeh after Nuseibeh's interview on the BBC.
14. All documents and communications concerning Mr. Holtzman reported offer to provide information relating to Qatar's 2022 World Cup Bid in exchange for US\$1 million.
15. All documents and communications concerning Mr. Holtzman's meeting in New York with Mr. Nuseibeh and Mr. Tweed in April and/or May 2018.
16. All documents and communications concerning any payments made to Mr. Holtzman that relate in any way to the provision of information of information relating to Qatars 2022 World Cup bid.
17. All documents and communications concerning Mr. Holtzman's, Bellwether Strategies's, SECNewGate's, or BLJ Worldwide's receipt of US\$1 million from Cornerstone, Mr. Nuseibeh or Mr. Tweed.

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.